

JUN 13 2011

JAMES N. HATTEN, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Deputy Clerk

UNITED STATES OF AMERICA,

CRIMINAL CASE NO.

v.

1:09-CR-184-JEC

JUAN MANUEL ACOSTA-01  
MARTIN ARREOLA-ROMERO-02  
ANGEL LUIS AYALA-03  
OTHA BARNES-04  
GERALD EDWARD DURRANCE-05  
MARTINA CASAS FLORES-06  
RAMIRO HERNANDEZ-DUQUE-07  
JORGE LUCATERO-TORRES-08  
BELISARIO GIL MENDOZA-09  
JUAN MANUEL MENDOZA-10  
RAPHAEL PEDROZA PEREZ-11  
OBIEL PINEDA-PARDO-12  
ALFONSO RIOS, JR.-13  
JOSE CESAR ALMEIDA-14  
JORGE ALEJANDRO ANAYA-MEDINA-15  
LUIS MANUEL HACES-DELGADO-16  
ALEJANDRO DE LA CRUZ-PLANCARTE-17  
JAVIER DE LA CRUZ-LOYA-18  
ANDRES BAUTISTA-GALLEGOS-19  
NOE AGUILAR-CAMUDIO-20

Defendants.

ORDER

The above entitled action is presently before the Court on the Magistrate Judge's Report and Recommendation [638] recommending denying defendant Jorge Anaya-Medina's Motion to Suppress Statements [301] and Motion to Suppress Evidence [302]; recommending denying defendant Alejandro De La Cruz-Plancarte's Motion to Suppress

Evidence [322]; recommending denying defendant Otha Barnes' Motion to Suppress Evidence [315]; recommending granting defendant Gerald Durrance's Motions to Suppress evidence [304, 455]; recommending granting in part and denying in part defendant Martina Flores' Motion to Suppress Evidence [349]; recommending denying defendant Noe Aguilar-Camudio's Motions to Suppress [331, 332, 334]; recommending denying defendants Jorge Anaya-Medina's, Luis Haces-Delgado's, and Martina Flores' Motions to Suppress Wiretaps [328, 342, 351]; recommending denying defendant Luis Haces-Delgado's Motions to Suppress Evidence and Statements [340, 341]; recommending denying Otha Barnes', Andres Bautista-Gallegos', Noe Aguilar-Camudio's, and Luis Haces-Delgado's Motions for Severance [306, 329, 333, 381]. Defendants Martina Flores, Noe Aguilar-Camudio, Jorge Anaya-Medina, and Luis Haces-Delgado filed Objections [658, 659, 660, 661] to the Report and Recommendation [638] on January 28, 2011.


Upon review, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation [638] **DENYING** defendant Jorge Anaya-Medina's Motion to Suppress Statements [301] and Motion to Suppress Evidence [302]; **DENYING** defendant Alejandro De La Cruz-Plancarte's Motion to Suppress Evidence [322]; **DENYING** defendant Otha Barnes' Motion to Suppress Evidence [315]; **GRANTING** defendant Gerald Durrance's Motions to Suppress evidence [304, 455]; **GRANTING IN PART** and **DENYING IN PART**

defendant Martina Flores' Motion to Suppress Evidence [349]; **DENYING** defendant Noe Aguilar-Camudio's Motions to Suppress [331, 332, 334]; **DENYING** defendants Jorge Anaya-Medina's, Luis Haces-Delgado's, and Martina Flores' Motions to Suppress Wiretaps [328, 342, 351]; **DENYING** defendant Luis Haces-Delgado's Motions to Suppress Evidence and Statements [340, 341]; **DENYING** defendants Otha Barnes', Andres Bautista-Gallegos', Noe Aguilar-Camudio's, and Luis Haces-Delgado's Motions for Severance [306, 329, 333, 381].

This case is now ready to be set for trial. Given the number of defendants and therefore the anticipated difficulty in setting a trial date, attorneys should advise by **July 1, 2011** of any scheduling conflicts that they are aware of through the end of 2011.

**Excludable time is allowed to commence as of June 13, 2011 through July 1, 2011**, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (to give counsel for the defendant or attorney for the Government reasonable time necessary for effective preparation) and (h)(6)(a) (reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted). Accordingly, the Court concludes that the ends of justice served by a continuance outweigh the best interest of the public and defendants in a speedy trial.

SO ORDERED this 13 day of JUNE, 2011.

  
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JULIE E. CARNES  
CHIEF U.S. DISTRICT JUDGE